

Original filed 5/1/06

NOT FOR CITATION

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

11	VIET MIKE NGO,)	No. C 05-4881 JF (PR)
12	Petitioner,)	
13	vs.)	ORDER GRANTING
14)	PETITIONER'S REQUEST TO
15	A.P. KANE, Warden,)	DISMISS; ORDER OF
16	Respondent.)	DISMISSAL WITHOUT
)	PREJUDICE
)	
)	(Docket No.4)

Petitioner, a state prisoner proceeding pro se, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging the Board of Prison Terms' failure to grant him parole. On March 9, 2006, the Court ordered Respondent to show cause why the petition should not be granted. On April 12, 2006, Petitioner filed an ex parte request to dismiss the instant petition without prejudice to re-filing once the state court proceedings are exhausted. Petitioner's request (docket no. 4) is GRANTED. The instant petition is dismissed without prejudice. Petitioner may file a new action once he has exhausted all state court proceedings.

IT IS SO ORDERED.

DATED: 54/27/06


 JEREMY FOGEL
 United States District Judge

1 This is to certify that a copy of this ruling was mailed to the following:

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